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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,822

11/12/2003

Timothy Addington

43314/270281

8817

826

7590

03/03/2010

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3687

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,822	<b>Applicant(s)</b> ADDINGTON ET AL.	
	<b>Examiner</b> VANDEL FRENEL	<b>Art Unit</b> 3687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090722, 20081010, 20080808, 20050720,</u>                   | 6) <input type="checkbox"/> Other: _____                          |
| <u>20050707, 20050616</u>  |   |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the application filed on 11/12/03. Claims 1-76 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donlan et al. (2004/0088737) in view of Poli et al. (2002/0178455).

As per claim 1, Donlan discloses a method, comprising: receiving location information from a customer obtaining a consumer electronics host device, wherein the consumer electronics host device is capable of receiving a digital cable service over a cable network (See Donlan, Paragraphs 0025-0027); selecting a provider of digital cable services serving a geographical area including a location corresponding to the location information (See Donlan, Paragraph 0012); providing to a provisioning input system the location information from the customer (See Donlan, Paragraphs 0025-0027).

Donlan does not explicitly disclose a service provider identifier associated with the provider of cable digital services; and providing the consumer electronics host device to the customer.

However, these features are known in the art, as evidenced by Poli. In particular, Poli suggests a service provider identifier associated with the provider of cable digital services (See Poli, Paragraph 0005; 0042); and providing the consumer electronics host device to the customer (See Poli, Paragraph 0005).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Poli within the system of Donlan with the motivation of providing [0022] The control channels used with the invention can comprise out-of-band channels, in-band channels, or a combination of both. The message source can comprise, e.g., a wide-area access controller that communicates the control channel configuration messages to said terminals via local controllers. In a cable television embodiment, the wide-area access controller can comprise, for example, one of a cable television local, regional, national or international access system, the local controllers can comprise cable television headends, and the terminals can comprise cable television terminals (See Poli, Paragraph 0022).

As per claim 2, Poli discloses the method further comprising: determining an identifier of a type of conditional access module based in part on the selected provider of the digital cable service (See Poli, Paragraph 0042); and providing to the provisioning input system the identifier of the conditional access module (See Poli, Paragraph 0042).

As per claim 3, Poli discloses the method further comprising: operatively connecting the conditional access module with the consumer electronics host device, wherein the conditional access module is of the type of conditional access module identified (See Poli, Paragraph 0042).

As per claim 4, Poli discloses the method further comprising: scanning an optical bar code to determine the identifier associated with the conditional access module (See Poli, Paragraph 0042).

As per claim 5, Donlan discloses the method comprising: enabling a conditional access scheme for use with the consumer electronics device (See Donlan, Paragraph 0025).

As per claim 6, Poli discloses the method wherein the provisioning input system incorporates a point-of-sale terminal (See Poli, Paragraphs 0035-0036).

As per claim 7, Donlan discloses the method further comprising the step of: displaying on a computer monitor feature information pertaining to the consumer electronics host device (See Donlan, Paragraph 0025).

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As per claim 8, Donlan discloses the method wherein the computer monitor further displays service information associated with the digital cable service offered by the provider of digital cable service (See Donlan, Paragraphs 0025-0027).

As per claim 9, Donlan discloses the method wherein the feature information displayed is provided by a kiosk terminal located in a retail store (See Donlan, Paragraph (See Dolan, Paragraph 0047-0048).

As per claim 10, Donlan discloses the method further comprising the steps of: receiving service selection information from the customer regarding at least one or more services offered by the provider of digital cable services (See Donlan, Paragraph 0047); and providing the service selection information to the provisioning input system (See Donlan, Paragraph 0047).

As per claim 11, Donlan discloses the method wherein the service selection information pertains to one from the group of personal video recording, basic cable programming service, premium cable programming service, telephony service, musical audio service, and high speed Internet access service (See Donlan, Paragraph 0004).

As per claim 12, Donlan discloses the method wherein the service selection information pertains to an enhanced service provided on the cable network (See

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Donlan, Paragraph 0007).

As per claim 13, Donlan discloses the method wherein the consumer electronic host device is integrated with a digital television (See Donlan, Paragraphs 0025-0027).

As per claim 14, Donlan discloses the method wherein the consumer electronic host device provides video signals to a television (See Donlan, Paragraphs 0025-0027).

As per claim 15, Donlan discloses the method further comprising the steps of." receiving service selection information from the customer regarding a service offered by the provider of digital cable services (See Donlan, Paragraphs 0025-0027); determining a feature related capability of the consumer electronics host device (See Donlan, Paragraphs 0025-0027) ; and determining whether the service selection information is compatible with the feature related capability of the consumer electronics host device (See Donlan, Paragraphs 0025-0027).

As per claim 16, Donlan discloses the method wherein the provider of the digital cable service also provides at least one service from the group of musical audio service, telephone service, and high speed data service (See Donlan, Paragraph 0004).

As per claim 17, Donlan discloses the method further comprising the step of providing the customer with a printed or electronic summary of at least part of the

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information provided to the provisioning input system (See Donlan, Paragraphs 0025-0027).

As per claim 18, Donlan discloses the method wherein the summary includes a transaction reference number (See Donlan, Paragraphs 0047-0049).

Claims 19-76 reflect the same limitations as claims 1-18 are therefore rejected for the same reasons given above, and incorporated herein.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/  
Primary Examiner, Art Unit 3687

February 26, 2010